

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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ANTHONY SANDERS,

Plaintiff,

v.

9:19-CV-0697  
(GTS/CFH)

W. TORRES, C.O. Auburn Corr. Fac.;  
E. SADOWSKI, C.O. Auburn Corr. Fac.;  
N. GRZESKOWIAK, C.O. Auburn Corr. Fac.; and  
S. SKELLY, C.O. Auburn Corr. Fac.,

Defendants.

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APPEARANCES:

OF COUNSEL:

ANTHONY SANDERS, 17-A-5184  
Plaintiff, *Pro Se*  
Elmira Correctional Facility  
P.O. Box 500  
Elmira, New York 14902

HON. LETITIA A. JAMES  
Attorney General for the State of New York  
Counsel for Defendants  
300 South State Street  
Syracuse, New York 13202

AIMEE COWAN, ESQ.  
Assistant Attorney General

GLENN T. SUDDABY, Chief United States District Judge

**DECISION and ORDER**

Currently before the Court, in this *pro se* prisoner civil rights action filed by Anthony Sanders (“Plaintiff”) against the four above-captioned employees of the New York State Department of Corrections and Community Supervision (“Defendants”) pursuant to 42 U.S.C. § 1983, are (1) Defendants’ motion for summary judgment, and (2) United States Magistrate Judge Christian F. Hummel’s Report-Recommendation recommending that Defendants’ motion be

granted in its entirety, and that Plaintiff's Complaint be dismissed in its entirety with prejudice. (Dkt. Nos. 19, 29.) Neither party has filed an objection to the Report-Recommendation, and the deadline by which to do so has expired. (*See generally* Docket Sheet.)

After carefully reviewing the relevant papers herein, including Magistrate Judge Hummel's thorough Report-Recommendation, the Court can find no clear-error in the Report-Recommendation.<sup>1</sup> Magistrate Judge Hummel employed the proper standards, accurately recited the facts, and reasonably applied the law to those facts. As a result, the Report-Recommendation is accepted and adopted in its entirety for the reasons set forth therein, Defendants' motion for summary judgment is granted in its entirety, and Plaintiff's Complaint is dismissed in its entirety with prejudice.

**ACCORDINGLY**, it is

**ORDERED** that Magistrate Judge Hummel's Report-Recommendation (Dkt. No. 29) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

**ORDERED** that Defendants' motion for summary judgment (Dkt. No. 19) is **GRANTED in its entirety**; and it is further

**ORDERED** that Plaintiff's Complaint (Dkt. No. 1) is **DISMISSED in its entirety with prejudice**.

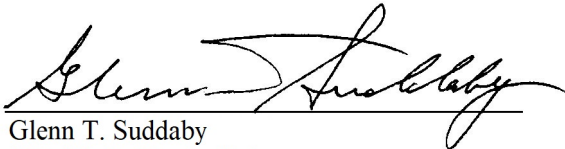
The Court certifies that an appeal from this Decision and Order would not be taken in

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<sup>1</sup> When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a clear error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a "clear error" review, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Id.*; see also *Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at \*1 (S.D.N.Y. July 31, 1995) (Sotomayor, J.) ("I am permitted to adopt those sections of [a magistrate judge's] report to which no specific objection is made, so long as those sections are not facially erroneous.") (internal quotation marks omitted).

good faith.

Dated: March 2, 2021  
Syracuse, New York



Glenn T. Suddaby  
Chief U.S. District Judge